

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Nola M. Coon,)
vs.)
Plaintiff,)
vs.)
Jo Anne B. Barnhart, Commissioner of)
Social Security,)
Defendant.)
Case No. 3:05-cv-00043

ORDER

Plaintiff sought judicial review of the final decision of the Commissioner of Social Security terminating her disability benefits. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate, pursuant to 28 U.S.C. § 636, recommending that Plaintiff's Motion for Summary Judgment be granted, in part, and Commissioner's Motion for Summary Judgment be denied, and that the case be remanded to the Commissioner for further finding. The Commissioner has filed an objection to this recommendation within the requisite time period. Local Rule 72.1(E)(4).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's Motion for Summary

Judgment is **GRANTED, in part**, (doc. # 7); Defendant's Motion for Summary Judgment is **DENIED** (doc. # 10). **IT IS ORDERED THAT** the case be remanded to the the Commissioner for further findings.

IT IS SO ORDERED.

Dated this 29th day of September, 2006.

/s/ Ralph R. Erickson

Ralph R. Erickson, District Judge
United States District Court